IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

WP(C).No. 31326 of 2006(D)

PETITIONER:

VALSALA SREENIVASAN,
W/O. LATE N.K.SREENIVASAN, AGED 53 YEARS,
"SREEVALSAM", CHOMBALA POST, KOZHIKODE-673 308.

BY ADV. SRI.P.K.RAVISANKAR.

RESPONDENT:

INDIAN OVERSEAS BANK,
CENTRAL OFFICE, MANIPAL 763, ANNA SALAI,
CHENNAI-2, REPRESENTED BY ITS SENIOR MANAGER,
PERSONAL ADMINISTRATION DEPARTMENT,
PENSION CELL.

BY ADV. SRI.GEORGE VARGHESE MANACHIRACKEL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.31326/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE LETTER DTD. 03/11/2006 ISSUED BY THE PETITIONER TO THE RESPONDENT.

EXT.P.2: COPY OF THE LETTER DTD. 07/11/2006 ISSUED BY THE RESPONDENT TO THE PETITIONER.

EXT.P.3: COPY OF THE RELEVANT PORTION OF REGULATION 39 OF INDIAN OVERSEAS BANK (EMPLOYEES') PENSION REGULATIONS, 1995.

RESPONDENT'S EXHIBITS:

EXT.R1.A: COPY OF THE GUIDELINES DTD. 24/11/2004 ISSUED BY I.B.A.

EXT.R1.B: COPY OF THE RELEVANT PORTION OF PENSION REGULATION OF RESPONDENT BANK.

//TRUE COPY//

prv.

K. BALAKRISHNAN NAIR, J.

W.P.(C) No.31326 of 2006(D)

Dated this the 12th June, 2007.

JUDGMENT

The petitioner is the widow of the late Sreenivasan, who was employed by the respondent, after his discharge from the Indian Navy. Her husband retired from service on 31.5.2006. He was entitled to get monthly pension and though the pension was sanctioned before receiving the same, he died on 4.8.2006. Claiming family pension, the petitioner moved the Bank. But the said application was rejected by Ext.P2 communication, stating that she is getting family pension from the military authorities. This writ petition is filed, challenging Ext.P2. The point raised by the petitioner is covered by the judgment in O.P.13938 of 2002, submits the petitioner. So, she prays for quashing Ext.P2 and prays for a further direction to the respondent to grant family pension.

2. Respondent has filed counter affidavit, resisting the prayers in the writ petition.

3. If the petitioner's husband was alive, he would have been drawing pension from the respondent

Bank. If that be so, the petitioner is also entitled for family pension for the service rendered by her husband. Whether she is getting family pension from elsewhere is not a relevant matter, based on which pension could be denied to her. The submission of the petitioner that the point raised by the petitioner is covered by the judgment in O.P.13938 of 2002, has to be upheld. I am in respectful agreement with the decision of the learned single Judge in that Original Petition.

In view of the above, this writ petition is allowed. Ext.P2 is quashed. The respondent is directed to grant family pension to the petitioner, for the service rendered by her husband under the first respondent. The arrears of pension due to the petitioner's husband, till the date of his death, and thereafter, family pension due to the petitioner, including arrears accrued since the death of her husband, shall be released to the petitioner within two months from the date of production of a copy of this judgment.

K. BALAKRISHNAN NAIR,
JUDGE.

vav.